



**THE CITY OF NEW YORK
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August 10, 2022

BY ECF

Honorable Lorna. G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Rosario v. City of New York, et al.,
18 CV 4023 (LGS)

Your Honor:

Defendants propose the following special interrogatories:

1. Did any of the defendants below withhold material evidence by failing to disclose that Nicole Torres was shown photo books?

Cruger _____
Martinez _____
Whitaker _____

2. Did any of the defendants below withhold material evidence by failing to disclose to the prosecution the statement from Nicole Torres that the shooter said "Hey George this is for you"?

Cruger _____
Martinez _____
Whitaker _____

3. Did any of the defendants below fail to disclose to the prosecution that Nicole Torres was an eyewitness to the crime?

Cruger _____
Martinez _____
Whitaker _____

4. Did any defendants below withhold material evidence from the prosecution by failing to investigate any of plaintiff's alibis?

Cruger _____
Martinez _____
Whitaker _____

5. Did any of the evidence set forth in paragraphs 1 through 4 materially alter the outcome of plaintiff's underlying criminal matter?

6. Did either the eyewitness identifications by Michael Sanchez or Robert Davis provide probable cause to prosecute plaintiff?

7. Was any identification procedure with Robert Davis unduly suggestive?

8. Was any identification procedure with Michael Sanchez unduly suggestive?

9. Did any of the defendants below show Robert Davis 1 to 3 photos?

Cruger _____
Martinez _____
Whitaker _____

10. Did any of the defendants below withhold material evidence from the prosecution by telling Robert Davis that "you got the right guy"?

Cruger _____
Martinez _____
Whitaker _____

11. Did any of the defendants below show Michael Sanchez stacks of photographs?

Cruger _____
Martinez _____
Whitaker _____

12. Did any of the defendants below withhold material evidence from the prosecution when they failed to document a possible identification by Michael Sanchez of a suspect already in custody?

Cruger _____
Martinez _____
Whitaker _____

13. Did Detective Irwin Silverman collude with any of the defendants below to maliciously prosecute plaintiff?

14. Did Detective Irwin Silverman collude with any of the defendants below to obtain a positive identification of plaintiff?

15. Did Detective St. Clair collude with any of the defendants to withhold exculpatory statements made by Nicole Torres?

Defendants thank the Court for its consideration.

Respectfully Submitted,

/s/ Jennifer Goltche
Jennifer Goltche
Senior Counsel

cc: **Via ECF**
All Counsel of Record